

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

UNITED STATES OF AMERICA, :

Plaintiff,

Case No. 3:09-cr-049-1

Civil Case No. 3:13-cv-223

- vs -

:

District Judge Thomas M. Rose

Magistrate Judge Michael R. Merz

GREGORY CHEW,

Defendant. :

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**ORDER ADOPTING REPORT AND RECOMMENDATIONS**

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This § 2255 case is before the Court on the Report and Recommendations of United States Magistrate Judge Michael R. Merz (Doc. No. 226). Objections to the Report were due, after two extensions of time, on or before April 29, 2015 (Doc. Nos. 227, 228). Defendant's counsel has advised the Court that, at Defendant's request, no objections will be filed.

The Report and Recommendations are accordingly ADOPTED. It is hereby ORDERED that Defendant's Motion Under 28 U.S.C. § 2255 (Doc. No. 180) be, and it hereby is, DENIED on the merits. The Court further finds that reasonable jurists would not disagree with this conclusion, DENIES any certificate of appealability in this case, and certifies to the Sixth Circuit Court of Appeals that any appeal would be objectively frivolous and should not be permitted to proceed *in forma pauperis*.

May 4, 2015.

*s/ Thomas M. Rose*

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Thomas M. Rose  
United States District Judge